



MAIL STOP AF
RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: P.P. Hussey Attorney Docket No.: KVTWO123505
Application No.: 10/763,361 Art Unit: 3765 / Confirmation No: 7591
Filed: January 23, 2004 Examiner: R.L. Haney
Title: SPORT GOGGLE WITH SIDE VENT FOR IMPROVED VENTILATION

RESPONSE

Seattle, Washington 98101
June 27, 2006

TO THE COMMISSIONER FOR PATENTS:

This paper is filed in response to the Office Action mailed on April 27, 2006. Currently, Claims 1-14 are pending in the application. Claims 1, 2, 5, 13, and 14 have been examined and stand rejected. Reconsideration of Claims 1, 2, 5, 13, and 14 is respectfully requested.

The Rejection of Claims 1, 2, 5, 13, and 14 Under 35 U.S.C. § 102(b)

Claims 1, 2, 5, 13, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Desimone et al. (U.S. Patent No. 2,399,991).

For a reference to be anticipatory, the reference must exactly describe the claimed invention. Applicant understands that the Examiner is relying on the principles of inherency to show that Claim 1 is fully met by the Desimone et al. patent.

The burden to show inherency on the part of the Examiner is high, as explained in the following passages.

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993); M.P.E.P. § 2112.IV., p. 2100-57, Rev. 3, August 2005.



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TRANSMITTAL LETTER FOR RESPONSE
AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116
Seattle, Washington 98101
June 27, 2006

TO THE COMMISSIONER FOR PATENTS:

A. Response Transmittal

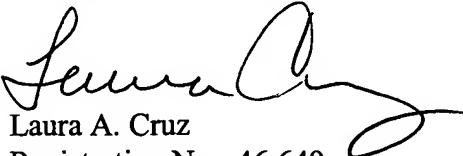
Transmitted herewith is a response to an Office Action in the above-identified application. No additional claim fee is required.

B. Additional Fee Charges or Credit for Overpayment

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 03-1740. This authorization also hereby includes a request for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application.

Respectfully submitted,

CHRISTENSEN O'CONNOR
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first-class mail with postage thereon fully prepaid and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: June 27, 2006
LXC:mmw

